

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

OPTIS WIRELESS TECHNOLOGY, LLC, §
PANOPTIS PATENT MANAGEMENT, §
LLC, OPTIS CELLULAR TECHNOLOGY, §
LLC., §

Plaintiffs,

v.

HUAWEI TECHNOLOGIES CO. LTD., §
HUAWEI DEVICE USA, INC., HUAWEI §
DEVICE (SHENZHEN) CO., LTD., §

Defendants.

§ **CIVIL ACTION NO. 2:17-CV-00123-JRG**

VERDICT FORM

In answering the following questions and filling out this Verdict Form, you are to follow all of the instructions I have given you in the Court's charge. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Final Jury Instructions. Please refer to the Final Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions below.

In this Verdict Form:

“PanOptis” refers to:

Optis Wireless Technology, LLC, Optis Cellular Technology, LLC, and PanOptis Patent Management, LLC, collectively;

“Huawei” refers to:

Huawei Device Co. Ltd. (now known as Huawei Device (Shenzhen) Co. Ltd.) and Huawei Device USA, Inc., collectively;

“216 Patent” refers to U.S. Patent No. 6,604,216;

“238 Patent” refers to U.S. Patent No. 7,769,238;

“’569 Patent” refers to U.S. Patent No. 8,208,569;

“’284 Patent” refers to U.S. Patent No. 8,385,284;

“’293 Patent” refers to U.S. Patent No. 8,437,293;

“Asserted Patents”, collectively, refers to:

the ’216 Patent,
the ’238 Patent,
the ’569 Patent,
the ’284 Patent, and
the ’293 Patent; and

“Asserted Claims”, collectively, refers to:

Claim 1 of the ’216 Patent,
Claim 1 of the ’238 Patent,
Claims 11 and 17 of the ’569 Patent,
Claim 1 of the ’284 Patent, and
Claim 14 of the ’293 Patent.

**IT IS VERY IMPORTANT THAT YOU FOLLOW
THE INSTRUCTIONS PROVIDED IN THIS VERDICT FORM.**

**READ THEM CAREFULLY
AND ENSURE YOUR VERDICT COMPLIES WITH THEM.**

Answer Question #1, Question #2, and Question #3 on the following pages.

After you have answered **EACH** of the three questions, continue to page 7 and
follow the instructions provided there.

QUESTION #1:

Did PanOptis prove by a preponderance of the evidence that Huawei infringes **ANY** of the following claims of the following patents?

For each Claim below, please answer “Yes” or “No”:

'216 Patent

Claim 1 yes

'569 Patent

Claim 11 yes

Claim 17 yes

'284 Patent

Claim 1 yes

'293 Patent

Claim 14 YES*

'238 Patent

Claim 1 yes

*The Court has determined this answer as a matter of law and you must accept it as correct. You should draw no inference from this determination in considering your answer as to any other part of this question.

QUESTION #2:

Did PanOptis prove by a preponderance of the evidence that any of the asserted claims listed below were willfully infringed by Huawei?

You should only answer as to those claims for which the answer was **YES** in Question #1.

For each claim listed below, please answer "Yes" or "No":

'216 Patent

Claim 1 yes

'569 Patent

Claim 11 yes

Claim 17 yes

'284 Patent

Claim 1 yes

'293 Patent

Claim 14 yes

'238 Patent

Claim 1 yes

QUESTION #3:

Did Huawei prove by clear and convincing evidence that any of the following claims of the following patents are invalid?

For each claim listed below, please answer “Yes” or “No”:

'216 Patent

Claim 1 NO*

'569 Patent

Claim 11 NO

Claim 17 NO

'284 Patent

Claim 1 NO*

'293 Patent

Claim 14 NO

'238 Patent

Claim 1 NO

*The Court has determined these answers as a matter of law and you must accept them as correct. You should draw no inference from these determinations in considering your answer as to any other part of this question.

**IF YOU HAVE REACHED THIS POINT
IN THE VERDICT FORM,
YOU SHOULD HAVE NOW ANSWERED
QUESTION #1, QUESTION #2, AND QUESTION #3.**

**IF YOU HAVE NOT ANSWERED
EACH OF QUESTIONS #1, #2, AND #3
GO BACK AND ANSWER THEM BEFORE PROCEEDING.**

If the answer to **EVERY** Asserted Claim listed in Question #3 is **YES**, then do not answer any further questions, proceed to the last page, have your Jury Foreperson sign and date this Verdict Form, and then deliver it to the Court Security Officer. You should not pay attention to any other instructions between this point and the signature page found at the end of this Verdict Form.

If the answer is **YES** as to **ANY** claim in Question #1, **PROCEED TO ANSWER THE FOLLOWING QUESTIONS** as to **ONLY** any claim of the Asserted Patents that is **BOTH** infringed by Huawei and is **NOT** invalid. To be clear, you should only answer the following questions as to those claims for which the answer as to that claim in Question #1 is **YES AND** the answer to Question #3 is **NO**. Put another way, **DO NOT ANSWER** the following questions for **ANY** claim for which the answer in Question #1 was **NO OR** the answer in Question #3 was **YES**.

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QUESTION #4:

What sum of money, if paid now in cash, do you find from a preponderance of the evidence would fairly and reasonably compensate PanOptis for infringement of any of the asserted patents through the time of trial?

Answer in dollars and cents.

'216 Patent

\$ 102,742

'569 Patent

\$ 1,733,862

'284 Patent

\$ 753,276

'293 Patent

\$ 246,844

'238 Patent

\$ 7,716,841

As to the sum(s) you have awarded against Huawei, if any, indicate below if the amounts are intended to represent:

 A Lump Sum

OR

A Running Royalty

FINAL PAGE OF JURY VERDICT FORM

You have now reached the end of the Verdict Form and should review it to ensure it accurately reflects your unanimous determinations. After you are satisfied that your unanimous answers are correctly reflected above, your Jury Foreperson should then sign and date this Verdict Form in the spaces below. Once that is done, notify the Court Security Officer that you have reached a verdict.

Signed this 27 day of August, 2018.

Signature of the Jury Foreperson _____